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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,790	07/10/2003	John E. Holland	3781-26(37.2)	2004

7590 12/15/2005

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EXAMINER

SINGH, ARTI R.

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/616,790

Applicant(s)

HOLLAND ET AL.

Examiner

Ms. Arti Singh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

2. The Examiner has carefully considered Applicant's remarks dated 11/17/05.

Applicant's first traversal is that the finality was improper; this has been remedied via this office action. For clarity, the Examiner is withdrawing the finality because initially, as pointed out in the restriction, it appeared that Applicant was claiming a "skirt" in the first set of claims, and a "sheet" of the same structure in the second set of claims, and that the "skirt" limitations actually breathed weight into the claim and was not thought to be typographical in nature. That is why it was thought that Applicant did amend the claims.

The rest of Applicant's traversals appear misconstrued as to how the art was applied, and for clarity the Examiner will reaffirm her position. Applicant's claims (1 and 15) in their broadest sense comprise:

An abrasion resistant skirt (1) or sheet (15) that is used with air cushions which have at least one chamber which comprise the structure of

Outer rubber layer;

Bonding layer made of thermoplastic and bonded to the fabric layer and

Fabric layer-comprised of UHMW polyethylene.

The McCreary reference was relied upon for the teachings of the air cushion with a skirt having a defined air chamber. Said skirt is made from a thermoplastic material OR a

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polyethylene film bonded with fabric threads or strands. With this statement the preambular limitations are met along with the fabric and the bonding layer. Hence Mc Creary lacks the specific teaching that the threads of the fabric are made of UHMWP.

Holland was relied upon for the teaching of such yarns which are further laminated with a thermoplastic and meeting the dependant limitations of warp and fill directions, denier and the thickness of the film which may be polyethylene or ethylene vinyl acetate. Hence a skilled artisan in the art at the time the invention was made would have found it obvious to use the high strength yarns of Holland in the fabric layer of Mc Creary. One would have been motivated to do this for the reasoned expectation of providing a composite with high strength and durability (column 13, line 12).

Mc Creary and Holland both teach composite of multiple layers but neither explicitly teach the use of rubber as the outer layer. Berczi remedies this and teaches making hovercraft skirts which are flexible and made of coated fabric. In column 3, line 36-50 Berczi teaches that the elastomeric coatings of natural and synthetic rubber may be applied to the outer layer of the composite. Thus, a person having ordinary skill in that art at the time the invention was made would have found it obvious to employ rubber as the outermost layer. One would have been motivated to do this in order to provide increase abrasion resistance or waterproofness to the composite (column 3, line 47 of Berczi).

Therefore, the prior art applied against Applicant's claims is believed to teach all the claimed features and adequately provide motivation to combine the teachings and thus the rejection is maintained.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.


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4. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 3532179 issued to McCreary in view of USPN 6280546 issued to Holland further in view of USPN 3661692 issued to Berczi. As set forth in the previous action and explained above.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. Arti Singh whose telephone number is 571-272-1483. The examiner can normally be reached on M-F 9-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ms. Arti Singh
Primary Examiner
Art Unit 1771

ars 12/02/05